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BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN  
ZONE BENCH, KOLKATA

O.A. No. 42 of 2024

In the matter of:

Bimal Hembram and Anr.

...Petitioner

-Versus-

State of Odisha and Ors

...Respondents

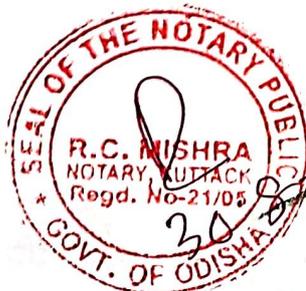
REPLY AFFIDAVIT TO THE REJOINER

I, Kodali Jagadish, aged about 69 years, S/o Late Ramarao Kodali, Resident of C - 501, DSR Fortune Prime, P.O./P.S. Madhapur, Hyderabad, Telengana - 50081 do hereby solemnly affirm and state as follows:

- 1) That currently, I am working as the Sr. President (P & D) and have been duly authorised by the Respondent No. 9 to swear this affidavit.
- 2) That I have gone through the averments made in the Rejoinder Affidavit and after understanding the same, I am filing the Affidavit.
- 3) That it is humbly submitted that the averments made in the application as well as the Rejoinder Affidavit are distortion of facts and based on concocted and unfounded materials on record, which cannot be gone into and placed reliance upon for the purposes of adjudicating the purported subject matter of the dispute.

For My Home Industries Pvt. Ltd.

(K. Jagadish)  
Sr. President (P&D)



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- 4) That it is respectfully submitted that this Respondent No. 9 denies each and every averment/assertion/contention/allegation made by the Applicants both in the O.A as well as Rejoinder Affidavit unless any of the same is admitted specifically hereinafter. That the Respondent No. 9 further submits that no averment/assertion/contention/allegation made and raised by the Applicants both in the O.A. as well as the Rejoinder Affidavit under any circumstance be deemed to have been admitted on the ground of non-traverse.
- 5) That it is respectfully submitted here that the Hon'ble Tribunal, after going through the submissions advanced by the Ld. Counsel for the Applicants and pleadings available on record, vide Order dated 29/04/2024 has carved out the focal issue which is quoted below for better appreciation of this Hon'ble Tribunal.

**“17. Issue Notice to the Respondents, returnable within four weeks. We make it clear that notice is being issued to the Respondents only to show cause as to whether the land in question is forest land and whether statutory Forest Clearance under Section 2 of the Forest (Conservation) Act, 1980 has been granted for diversion of the land in question for non-forestry purposes”**

In view of the aforesaid focal issue framed by this Hon'ble Tribunal, the Respondents have filed their respective Counter Affidavits. The present Respondent has also filed Counter Affidavit categorically dealing with the averments made in the O.A. For the sake of brevity, the contents of such Counter Affidavit may kindly be read and treated as part and parcel of the



For My Hon'ble Masters File  
 K. Jagadish  
 Sr. President (P&D)

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present Response. It is respectfully submitted that the kissam of land allotted by IDCO in favour of this Respondent do not come within the purview of jungle kissam as has been alleged by the Applicant in as much as there is no violation of any of the provisions of the Forest Conservation Act, 1980.

- 6) That as far as the allegation made in Paragraph No. 1 and 4 of the Rejoinder is concerned, the Applicant has made an attempt to twist the fact mentioned in these paragraphs from the Counter Affidavit filed by the Chief Secretary so as to suit his cause but the Counter Affidavit filed by the Chief Secretary does not say so. It does not say that any kind of construction and pollution activities will have severe impact on the wildlife and also may give rise to human elephant conflict in the locality. The said allegation is denied in *toto*.
- 7) That on a perusal of the averments made in Paragraph No. 2,3,6,9,10,11,12,14,15 of the Rejoinder Affidavit filed by the Applicant, it would be evident that the Applicant is trying to bit around the bush and is trying to pick up sentences from here and there from the Counter Affidavits filed different Respondents. The Applicant is trying to create distorted facts since he is well aware of the fact that this Respondent is in the process of setting up the plant after obtaining necessary clearances from the concerned authorities, as such there is no violation of any statutory provisions nor there is any infraction of any of the terms and conditions stipulated in the permissions/clearance granted in

For My Home Industries Pvt. Ltd.

*K. Jagadish*  
Sr. President (P&D)



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favour of the Respondent. As a matter of record, this Respondent has filed a detailed Counter Affidavit with supporting documents.

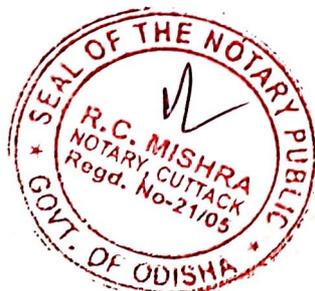
In reply to the aforementioned Paragraphs, this Respondent respectfully submits that the kissam of land in question which has been allotted in favour of the Respondent was 'Patita' and the said fact is evident from the documents filed by the State Authorities in their Counter Affidavits, therefore, the allegations made to the contrary on the basis of the so-called Amin Report has got no sanctity in the eye of law because the authorities under the revenue law prevalent in the state being the Settlement Authority and/or the Consolidation Authority has already recorded the land as 'Patita' as it was in the previous settlement.

- 8) That it is humbly submitted here that the allegation which has been made afresh in the Rejoinder Affidavit against the present Respondent is at Paragraph No. 5 whereby, placing reliance of the Counter Affidavit of MoEFCC, the Applicants has alleged that the user agency has erected 15 Nos of 33KV electric poles under Byree PF without any prior approval from competent authority. He has made representation dated 03/03/2025 before all concerned authorities regarding the uprooting of unauthorised 33KV power transmission line erected by the present Respondent.

In Reply to the same, the Respondent states that such allegations are false and incorrect. It is based on surmise and conjectures. It is based on no materials at all. It is a vague and ambiguous. Such allegations are denied in *toto*. The Applicants

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(K. Jagadish)  
Sr. President (P&D)



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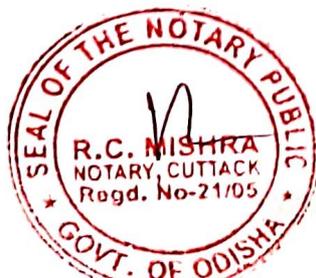
without undertaking any research has made such allegations therefore, the O.A. ought to be dismissed with cost.

- Firstly, the issue with regard to installation of poles are not the subject matter of dispute. It is beyond to the focus point fixed by this Hon'ble Tribunal after going through the averments made in the O.A.
- Secondly, the Applicants are trying to develop a new case out of the pleadings of the Respondents. In other words, they are utilising this proceeding to collect evidence to use it against the Respondents.
- Thirdly, such information is incorrect in view the fact that such installations have been strictly in terms of the Electricity Act, 2003, OERC Condition of Supply, Code, 2019 and CEA Safety Regulation, 2010 (Amended in 2023) and under the supervision of the competent authority responsible for supply of electricity in the concerned area. The power supply granted to the Respondent by the Distribution License is under an agreement for temporary purpose, which shall be dismantled after availability of operational power.

- 9) That in reply to the averments made in Paragraph No. 4,5,6,7,8 in so far as relating to installation of 15Nos of 33KV electrical pole is concerned, it is respectfully submitted that the said installation has been made by TPCODL i.e. the Distribution Licensee responsible for drawing electricity in the concerned area. It is further clarified that no construction has been done by the Project Proponent over any forest land. The allegation to the contrary is incorrect. The installations have been made after following due

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(K. Jagadish)  
Sr. President (P&D)



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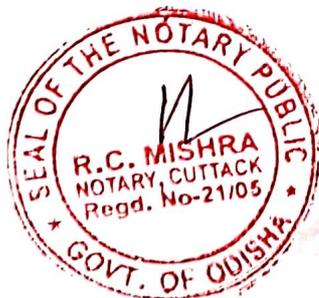
process of law and with permission of the competent authority in as much as the poles are for temporary connection and not permanent in nature. The allegation that the installation of electricity pole may endanger life of animals as averred in the Rejoinder referring to the Counter Affidavit filed by the Chief Secretary is a distorted facts as the affidavit does not say so. Moreover, the Distribution License has taken all adequate steps and precautions to prevent any kind of threat to the wild animal of the surrounding area.

- 10) That it is humbly submitted here that in connection with the captioned O.A. vis a vis allegation regarding installation of 33 KV Electric Poles, a Joint Verification was conducted on 21/01/2024 in the presence of staffs of TPCODL, Forest and Revenue Officials. On a joint verification, it was observed that a 33 KV power line has been laid on temporary basis as per Agreement dated 03/09/2023 entered between TPCODL and the present Respondent, which shall be dismantled after availability of operational power.

Be that as it may, during the course of enquiry, it came to the knowledge of the Respondent that 15 out of 49 nos of 33Kv poles so erected were coming under the Byree Protected Forest (PF) limit in Plot No. 4369, Khata No. 1298 in Byree Village that it included in approved working plan of Cuttack Forest Division. In view of the same, the allegation levelled against the Respondent regarding erection of 33KV Electric Pole is incorrect.

For My Home Industries Pvt. Ltd.

*(Signature)*  
(K. Jagadish)  
Sr. President (P&D)



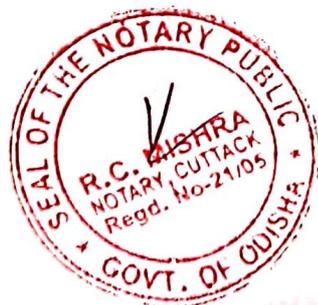
*(Signature)*

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- 11) That as far as the other allegations raised in the Rejoinder, the Respondent states that the same are denied unless, otherwise admitted herein.
- 12) That the Respondent states that the crux of the issue relating to the Kissam of the land has been dealt with in the Counter Affidavit which also finds its support from the Counter Affidavit and Reply Affidavit filed by Respondent No. 1 to 4 to the Rejoinder filed by the Petitioner.
- 13) That the Respondent states that the Applicant's entire case revolves around such Amin Report which itself is not a conclusive proof as the context in which such purported report was prepared is not disclosed. On the other hand, the Revenue Records as well as the Plot Index goes onto show that the Kissam of the land is not 'Pathuria Jungle' as alleged by the Applicant.
- 14) That in view of the above said facts and circumstances, the present application of the Applicants is liable to be dismissed with cost as the allegations are based on assumptions and presumptions.
- 15) That the Respondent No. 5 reserves the right to submit further by way of an affidavit and/or at the time of hearing, to assist this Hon'ble Tribunal.

For My Home Industries Pvt. Ltd.

*K. Jagadish*  
 (K. Jagadish)  
 Sr. President (P&D)



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BEFORE THE NATIONAL GREEN TRIBUNAL, EASTERN ZONE BENCH, KOLKATA  
O.A. No. 42 of 2024

In the matter of:

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...Petitioner

-Versus-

State of Odisha and Ors

...Respondents



AFFIDAVIT

I, Kodali Jagadish, aged about 69 years, S/o Late Ramarao Kodali, Resident of C - 501, DSR Fortune Prime, P.O./P.S. Madhapur, Hyderabad, Telengana - 50081 do hereby solemnly affirm and declare as under:

- 1) That currently, I am working as the Sr. President (P & D) and have been duly authorised by the Respondent No. 9 to swear this affidavit.
- 2) That the facts stated in the Reply Affidavit to the Rejoinder are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

*Kodali Jagadish*

*Kodali Jagadish*  
Sr. President (P&D)  
For My Home Industries Pvt. Ltd.  
Deponent

VERIFICATION

Verified at *Cuttack* on this day *30* of *August*, *2025*  
2025, I the above named Deponent do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief. No part of it is false and nothing material has been concealed therefrom.

*Kodali Jagadish*  
For My Home Industries Pvt. Ltd.  
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solemnly affirm on in Oath by the Deponent  
at Cuttack on *30.8.25* being identified  
by *L. N. Moharana*  
As *AG's Clerk/S.O.* AG's office/Notary  
personnel, that the facts stated above are  
true to the best of his/her knowledge.

*L. N. Moharana*  
RAMA CHANDRA MISHRA, NOTARY  
CUTTACK TOWN, REGD No-21/05





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**Rejoinder affidavit on behalf of Applicant in OA 42/2024 EZ**

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**Lalit K. Maharana** <lalitikumarana@gmail.com>

31 August 2025 at 16:53

To: Sankar Pani &lt;sankarprasadpani@gmail.com&gt;

Cc: Aishwarya Dash &lt;aishwaryadash010@gmail.com&gt;, "Rajib Ray, Advocate" &lt;rajib.ray.official23@gmail.com&gt;, Dipanjan Ghosh &lt;dprnjnghsh0@gmail.com&gt;, apurba ghosh &lt;apu7law@gmail.com&gt;, Dn Ray &lt;raydnr@gmail.com&gt;, Pronoy Mohanty &lt;pronoymohanty@gmail.com&gt;

Dear Sir,

PFA the 'Reply Affidavit to the Rejoinder' on behalf of Respondent No. 9 in the captioned matter.

best

Regards

**Lalit Kumar Maharana****Advocate***enrolled with Odisha State Bar Council***Contact no. +91-75049 14976**

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